

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY  
COUNCIL MEETING HELD JULY 23, 2013**

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**CALL TO ORDER**

At 7:01 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

**ROLL CALL**

Mr. Delia, Mr. Pastore, Mr. Woodruff and Mayor Bruno answered present. Mr. Hall arrived at 7:02 p.m. Mr. Pirone and Mrs. Kingsley were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Clerk Ana Minkoff.

**EXECUTIVE SESSION - Contract Negotiations – Lease with Casablanca 17 LLC.  
Contract Negotiations – YMCA Land Lease  
Contract Negotiations - Chamber of Commerce Street Fair –  
Twp. Services**

Moved by Mr. Woodruff to go into Executive Session, seconded by Mr. Hall and upon roll call vote:  
**(7:02 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

Moved by Mr. Woodruff to go out of Executive Session, seconded by Mr. Hall and upon roll call vote:  
**(7:41 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**FLAG SALUTE**

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

**CONFERENCE SESSION**

**Generator – Town Hall**

Mayor Bruno spoke about the need for a generator for town hall. He added an electrician gave us an estimate of approximately \$85,000.00. We have this money available through a grant from PSE & G. Mayor Bruno said he feels that we should purchase this generator.

Mr. Pastore said he fully agrees that we should purchase this generator.

Mr. Hall asked if this estimate includes not only the generator but the associated wiring in the building to make sure the connections are correct.

Mrs. Cavanaugh replied this is separate wiring. The present wiring in the building is faulty. She said with the experiences we have been having with the power outages, option two is the way to go.

Mr. Hall said he supports option two.

Mayor Bruno asked if anyone does not support option two. No one objected.

Mr. Hall asked if the capital budget must be adjusted.

Mrs. Cavanaugh replied the money for this generator is available in the PSE & G grant.

Joseph Sordillo said when the contract is awarded it must be done by resolution.

### **Trash Haulers**

Mayor Bruno spoke about an ordinance in town passed in 1998 that requires trash haulers coming into town to register and pay a \$100.00 yearly fee. We have only had one company pay us last year and one paid us this year. The other three have never paid us. The Mayor would like to go back and try to bill these companies for these fees not paid.

There was a lengthy discussion among the Mayor and Township Council about the trash haulers, their registration and payment of yearly fees to the Township. There was also a discussion on increasing the registration fee and penalties.

A letter will be sent to the trash haulers for registration and collection of the fees.

### **APPROVAL OF MINUTES**

Moved by Mr. Woodruff to approve the following minutes, seconded by Mr. Hall and upon roll call vote:

#### **Public Meeting – April 23, 2013**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

### **TOWNSHIP COUNCIL REPORTS**

Mr. Delia said a resident in his neighborhood had complained because his wife was not allowed into her street on July 16<sup>th</sup> because she did not have a pass. The resident was angry because even after showing ID they would still not let her in.

A discussion continued. Mr. Delia explained the process for obtaining the passes on July 16<sup>th</sup>.

Mayor Bruno agreed if someone does show ID they should be allowed into their street.

Mr. Delia said there is cold patch on the bill list again. He feels it should not be used in the summer. It does a terrible job, it is more expensive and should not be used for repairs the hot asphalt does a nice job.

Jorge Casacuberta said he will follow up on this matter and get back to Mr. Delia with his findings.

Mr. Delia also spoke about the importance of having an inventory list. He went on to talk about cutting bits for a brake light on the bill list.

A discussion continued that the town does not have a machine and the bit was for that machine. The discussion also involved the need for the town to have their own machine and the possibilities of injury to someone not using town equipment.

Mr. Pastore had nothing to report.

Mr. Woodruff had nothing to report.

Mr. Hall had nothing to report.

Linda Cavanaugh, Township Administrator gave an update on the dispatch. Next step is to get the bid specs done and we are looking at state contract and to having everything done by one contractor. The air conditioning is now operating and the UPS should be delivered within 10 days. Mrs. Cavanaugh reported we have been getting quotes on the cameras and gate for the DPW. Mrs. Cavanaugh also gave an update on the stream clean-up and said they are a little behind schedule. They are looking into getting some equipment to help with the clean-up. Mike Marceau, CFO is working with Pat Mattarazo of the Sewer Plant on the sewer billing for 2012. We are moving forward with the RFP for banking services. Mr. Marceau is also working on direct transfers with the banks and the Township. Mrs. Cavanaugh read a very nice letter to the Mayor and Council from Our House regarding a \$1,000 contribution in lieu of taxes.

Mayor Bruno reported Congressman Lance visited Berkeley Heights with a \$105,000 grant for the Fire Department. The money is being used for communications for repeaters on Lucent and throughout the town. Mayor Bruno also said Fire Prevention is one of Congressman Lance's subcommittee. Congressman Lance stayed to address the students at the Policy Academy. Assemblywoman Munoz also accompanied Congressman Lance. Mayor Bruno reported there are three more summer concerts left on the schedule. Mayor Bruno also thanked Joe Graziano for his assistance with the tornado clean-up. He also assisted us with a shredding of some documents that were to be disposed of at no charge to the Township.

Moved by Mr. Woodruff to accept and approve the Township Council Reports, seconded by Mr. Pastore and upon roll call vote:

Ayes:	Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall
Nays:	None
Abstain:	None
Absent:	Mr. Pirone and Mrs. Kingsley

## **HEARING ON AGENDA ITEMS ONLY**

Moved by Mr. Pastore to open the Hearing on the Agenda Items Only, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

Carol Matula of 5 Hastings Road asked if the generator that was discussed in Conference Session is the same one for the Police Department.

Mayor Bruno responded yes it is for the new dispatch and Town Hall and it is also a portable generator.

Tom Foregger of 14 Dorsett Road referred to the Executive Session and the item for Contract Negotiations with the Chamber of Commerce. He said he thought the Street Fair did not cost anything to the Township. He asked why there is a contract.

Mayor Bruno responded there is no contract with the Camber of Commerce and no cost to the Township.

Hearing no voices, moved by Mr. Pastore to close the Hearing on the Agenda Items Only, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

## **NEW BUSINESS- RESOLUTIONS**

### **OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

## **RESOLUTIONS**

### **Mr. Delia introduced the following resolution:**

1. Resolution approving Bill List dated July 23, 2013 in the amount of \$454,430.91.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Hall and carried.

Mr. Delia said he is approving everything on the bill list except for the item for TP Auto Parts in the amount of \$45.00.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

### **Mr. Woodruff introduced the following resolution:**

2. Resolution authorizing the Township to enter into a Developer's Agreement with Berkeley Square, LLC. for the property identified as Block 801, Lots 23, and 24, 240-264 Springfield Avenue.

Moved by Mr. Woodruff to approve resolution #2, seconded by Mr. Hall and carried.

Mr. Delia feels we should require a developer's agreement this more often. This puts pressure on the applicant. This is good for the Township.

Mayor Bruno went on to explain the Developer's Agreement with Berkeley Square, LLC.

There was a discussion on when a Developer's Agreement is needed. Mr. Hall explained in detail that this is more common from the Planning Board not the Council.

Joseph Sordillo, Township Attorney explained it should be between the Township and the Developer, not the Planning Board. The agreement is really between the Township and the Developer. He explained in more detail.

The discussion again continued among the Township Attorney, Mayor and Council on requirement of a Developer's Agreement.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**Mr. Hall introduced the following resolution:**

3. Resolution approving the insertion of additional revenues in the budget of the year 2013. PSE&G Emergency Services Grant in the amount of \$156,396.00 and Assistance to Firefighters Grant in the amount of \$105,274.00.

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**Mr. Delia introduced the following resolution:**

4. Resolution authorizing the submission on the Sustainable Jersey Grant.

Moved by Mr. Delia to approve resolution #4, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**Mr. Pastore introduced the following resolution:**

5. Resolution supporting the Green Team in their efforts to renew the Township's Silver Certification.

Moved by Mr. Pastore to approve resolution #5, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**Mr. Hall introduced the following resolution:**

6. Resolution authorizing a contract with Electrical Design & Construction Corp. in the amount of \$52,600.00 for a backflow preventer replacement and relocation at the Water Pollution Control Plant.

Moved by Mr. Hall to approve resolution #6, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**CONSENT AGENDA**

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:**

- (7)
  - a. Resolution removing Kevin Dreitlein, 67 Webster Avenue, from the active duty roster of the Berkeley Heights Volunteer Fire Department.
  - b. Resolution removing Lenny Franchino, 72 Cedar Green Lane, from the active duty roster of the Berkeley Heights Volunteer Fire Department.
  - c. Resolution removing Armando Vargas, 311 Plainfield Avenue, from the active duty roster of the Berkeley Heights Volunteer Fire Department.
  - d. Resolution authorizing a block party on LaSecle Place, on Saturday, July 27, 2013 from 2:00- 10:00 p.m., with a rain date of Sunday, July 28, 2013.

Moved by Mr. Pastore to approve Consent Agenda Resolutions #7a-d seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

## CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

Jerry Kuzmik of Eaton Court said he voiced a complaint to the JCP & L regarding power surges and losses. The contributing factor has been that the trimming of trees, carving a tree versus topping a tree. He placed his complaint with JCP & L Customer Service and he received a response from the Forester Regional Manager, Corey Hunsicker. Mr. Kuzmik spoke about his conversation with him and was told Berkeley Heights is not trimming trees correctly. Mr. Kuzmik continued in length with his comments regarding the tree trimming.

A lengthy discussion continued on the tree trimming and the carving or topping of the trees.

Mr. Kuzmik continued with his comments regarding the tree trimming. The Mayor and Township Council responded to Mr. Kuzmik's questions.

Mayor Bruno asked Mr. Kuzmik for the JCP & L Customer Service phone number to contact them.

Mr. Hall recommended that Linda Cavanaugh, Township Administrator and Bob Bocchino, Director of Public Works and meet with Tom Bocko, Tree Expert to review the situation and the Council would get back to Mr. Kuzmik at the next meeting with a coherent response for him.

Mrs. Cavanaugh added she will also call Mr. Hunsicker of JCP & L as well to get a more direct understanding of what is going on.

Mr. Kuzmik spoke about the trees that were chopped up and asked what understanding do we have with the tree companies for removal.

Mayor Bruno responded the contractor should have a chipper attached to their truck and chip it like any other tree contractor does.

A discussion continued with Mr. Kuzmik telling the Council where these branches have been left and not chipped or picked up.

Mayor Bruno will follow up on the removal of these branches.

Mr. Kuzmik referred to an article in the Press and feels a traffic light at Hamilton Avenue and Snyder Avenue is more important than a traffic light on Springfield Avenue and Lone Pine Drive.

Mayor Bruno responded the light is not for the Lone Pine Drive people, it is mainly for people to safely cross Springfield Avenue. This area is in the middle of Springfield Avenue and where most of the shopping centers are located. Mayor Bruno continued with his comments regarding the traffic light at Lone Pine Drive and Springfield Avenue.

Mr. Kuzmik again continued with his comments regarding tree trimming.

A discussion again continued in length.

Tom Foregger of 14 Dorsett Road asked if the trash haulers have been sent a bill for the yearly fees.

Mayor Bruno responded yes they were sent a bill.

Mr. Foregger spoke about a problem with the Police Department being overpaid in the past and refusing to pay this back. Nothing was ever done.

Mayor Bruno responded to Mr. Foregger's comments.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

## **ADJOURNMENT**

Moved by Mr. Woodruff to adjourn, seconded by Mr. Hall and upon roll call vote:  
**(8:44 p.m.)**

Ayes: Mr. Delia, Mr. Pastore, Mr. Woodruff and Mr. Hall  
Nays: None  
Abstain: None  
Absent: Mr. Pirone and Mrs. Kingsley

**Approved: September 10, 2013**